

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN re TETHER AND BITFINEX CRYPTO
ASSET LITIGATION

No 1:2019-cv-09236-KPF
ECF CASE

**DECLARATION OF MATTHEW S. WEILER IN SUPPORT OF CERTIFICATE OF
DEFAULT**

I, Matthew S. Weiler, declare as follows:

1. I am an Attorney in the law firm of Schneider Wallace Cottrell Konecky (“SWCK”). I am admitted to this Court *pro hac vice*. My firm is Interim Co-Lead Counsel in this litigation.

2. I have been actively involved in prosecuting this action, am familiar with its proceedings, and have personal knowledge of the matters set forth herein. If called upon and sworn as a witness, I could competently testify thereto.

3. I submit this Declaration in support of a Clerk’s Certificate of Default with respect to Defendant Reginald Fowler pursuant to Local Civil Rule 55.1. The proposed Certificate of Default is submitted herewith.

4. Plaintiffs commenced this action by filing their original complaint on October 6, 2019. Plaintiffs served Defendant Fowler personally on October 31, 2019, and submitted a proof of service to this Court on November 8, 2019. *See* ECF No. 27.

5. Plaintiffs filed their Consolidated Amended Complaint (“CAC”) on June 5, 2020.

ECF No. 114.

6. Defendant Fowler moved to dismiss the CAC on September 9, 2020. ECF No. 148.

7. Counsel for Defendant Fowler sought to withdraw from representation of Defendant Fowler in December 2020. On December 28, 2020, the Court granted counsel for Defendant Fowler's request to withdraw, conditioned on submitting a reply brief for Defendant Fowler by January 19, 2021. ECF No. 169. Counsel for Defendant Fowler submitted a reply brief on January 19, 2021. ECF No. 171.

8. On September 28, 2021, the Court entered an order granting in part and denying in part Defendant Fowler's motion to dismiss. ECF No. 182. The Court directed Defendant Fowler to submit an answer by October 28, 2021. *Id.* The docket reflects that the Court's order was mailed to Defendant Fowler on September 29, 2021.

9. Defendant Fowler did not submit an answer on October 28, 2021, and has not since answered Plaintiffs' CAC.

10. On November 12, 2021, counsel for Plaintiffs contacted counsel for Defendant Fowler by email in his criminal action, *USA v. Fowler*, 1:19-cr-00254-ALC (S.D.N.Y.), and noted that Defendant Fowler had not submitted an answer on the deadline set by the Court was in default. Counsel for Plaintiffs informed Defendant Fowler's counsel in the criminal matter that Plaintiffs would obtain a Certificate of Default.

11. To the best of my knowledge, Defendant Fowler is not an infant, in the military, or an incompetent person.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on December 9, 2021, in Moraga, California.

Dated: December 13, 2021

Respectfully submitted,

/s/ Matthew S. Weiler
Matthew S. Weiler
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